

- G. **1) Public Hearing:** For the consideration of a Petition for Vacation or Abandonment of Road or Easement The Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280'L x 20' W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows:

Address	Assessor's Parcel #'s	Owner
466 East 7 th Street	001-082-10 & 001-082-11	Silver 2005 Revised RFT.
777 Avenue E	001-082-06	Thomas Edwards
701 East Aultman	001-082-08	James Ramsey & Mimi Yi
Avenue D (Block 29)	001-082-12	A Team Development, LLC
Avenue E (Block 29)	001-082-13	A Team Development, LLC

- 2) Discussion/For Possible Action:** Recommendation of Approval to the Ely City Council of a Petition for Vacation or Abandonment of Road or Easement The Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280'L x 20' W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows:

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Avenue E (Block 29)	001-082-13	A Team Development, LLC

BUILDING AND PLANNING DEPARTMENT

APPLICANT: SILVER 2005 REVISED REVOCABLE FAMILY TRUST, Thomas Edwards, James Ramsey, Mimi Yi, A team development

ACTION REQUESTED: abandonment of alleyway approx 280' by 20'

ASSESSOR'S PARCEL NUMBER(S) 001-082-06, 08, 10, 11, 12, 13

STREET ADDRESS & GENERAL LOCATION OF PROPERTY: block 29 Ely Nv

OWNER: Listed above

NAME: Same as Above

MAILING ADDRESS: Multiple see application.

CITY, STATE: Ely NV

TELEPHONE #: Multiple, see application.

FINDING OF FACT: CONCLUSIONS: approval recommended

1. Compliance with NRS and County Code:	Yes
2. Notice for Paper & Mailings:	Yes
3. Zoning:	M-H-3 proposed change to C-2
4. Proposed Activity	Abandonment of alley
5. Compatibility with Surrounding Use:	Yes
6. Access:	Ave D, 7th
7. Compliance with Regulations:	yes
8. Potential Impact on Neighboring Property (including noise, odor, dangerous materials, et.)	None
9. Access/Traffic:	Ave D, 7th
10. Emergency Services:	No Comment
11: Public works:	No Comment
12. Building Department	Recommends approval
13. Sheriff's department	Recommends approval

14. Comments Received During Public Hearing	



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

60
300
200
560

PETITION FOR VACATION OR ABANDONMENT OF ROAD OR EASEMENT (NRS.278.480)

TO: ELY PLANNING COMMISSION
City of Ely, State of Nevada

APPLICATION FEE \$300.00
PUBLICATION FEE \$100.00 X2
CERTIFIED MAILING \$10.00/EA X6
(COMBINED W/ ZONING APP)
FOR 1ST MILL

DATE OF APPLICATION: 1/16/23

The Petitioner presents this Petition and Requests the City Road/Easement described below be abandoned or vacated, to-wit:

PETITIONER: Pine West Holdings, LLC

ADDRESS: 9330 LBJ Freeway, Suite 900, Dallas, Texas 75243

TELEPHONE: Tyler West: 949-525-3872

AUTHORITY OF APPLICANT: Local Government _____
Abutting Owner X _____

Description of Road, Street, Alley or Easement to be abandoned:

An estimated 280' L x 20' W portion, ~ 5,600 square feet of the alleyway

The distance of the right-of-way requested to be abandoned consists of:

An estimated 280 feet (Feet/miles)

The reason for the proposed abandonment of vacation: _____

The applicant is requesting consideration of the portion of alleyway to be vacated to accommodate a future commercial development.

Name of Abutting Owner (s):

NAME: Thomas Edwards

Parcel 001-082-06

ADDRESS: Billing and Property Address: 777 Avenue E, Ely, NV 89301

TELEPHONE: _____

Name of Abutting Owner (s):

NAME: James Ramsey and Mimi Yi Ramsey Parcel 001-082-08

ADDRESS: Property and Billing Address: 701 East Aultman Street, Ely, Nevada, 89301

TELEPHONE: _____

Name of Abutting Owner (s):

NAME: A Team Development, LLC

Address not assigned, Vacant Land Parcels 001-082-12 and 001-082-13

ADDRESS: Billing address: 701 East Aultman Street, Ely, NV 89301

TELEPHONE: _____

Name of Abutting Owner (s):

NAME: Silver 2005 Revised Revocable Family Trust

Property Address: 466 East 7th Street, Ely, NV 89301, Parcel ID(s): 001-082-10 and 001-082-11

ADDRESS: Billing Address: 68 Ramona Avenue, San Francisco, CA 94103

TELEPHONE: _____

(If more than two, please attach a list.)

Legal description of property adjacent to right-of-way to be abandoned (lots, block, subdivision, etc.):

Refer to attached

Attach a map of plat showing the road, street, alley or easement to be abandoned or vacated and the adjacent property.

CITY OF ELY STREET & ALLEY
ABANDONMENT CRITERIA CHECKLIST

The following is a list of factors to be considered before any portion of a designated City street or alleyway (roadway) is fully abandoned. "Fully" abandoned means that the roadway is severed and no passage can occur. "Partially" abandoned means the roadway is reduced in width, but is still effective as a roadway or utility corridor:

1. Is the roadway currently used as access to any private or public property?
2. Is it presently used as a route for any utility?
3. Is it wide enough to be practically used as either a utility or roadway corridor?
4. Will the proposed abandonment isolate any property from public access?
5. Will the proposed abandonment diminish in any way the access of safety or utility services to any property?
6. Does the roadway proposed for abandonment have future potential as either a utility or roadway corridor?
7. Does the roadway proposed for abandonment have potential as a walking trail, linear park, buffer zone or any other public service?

If the answer to any of these questions is "yes", then the roadway should not be abandoned. A City roadway may only be abandoned with the approval of the City Fire Chief, City Engineer, City Planning Commission, City Council, and Mayor.

To the best of my knowledge, the above information is true and correct.


Applicant's Signature


1/16/23

Date

Owner: Carol Ruth Silver 2005 Revised Revocable Family Trust
Address: 466 East 7th Street, Ely, NV
Parcel ID: 001-082-10 and 001-082-11

I CAROL RUTH SILVER being duly sworn depose and say that I am an owner of the property in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed



Date

2023 Jan 25

Mailing Address 68 RAMONA AV

Phone Number 415-861-5802

Email Address CAROL @ SILVER LAW . BIZ

Application for Abandonment of ALLEYWAY



Signature Block for Property Owner:

THE CAROL RUTH SILVER 2005 REVISED REVOCABLE FAMILY TRUST

Sig Block Included FOR REFERENCE ONLY

CAROL RUTH SILVER, Trustee



State of)
)ss
County of)

SUBSCRIBED AND SWORN TO (or affirmed) before me the undersigned, a Notary Public in and for said County _____ and State _____, this _____ day of _____, 20____ by _____, personally know to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me..

WITNESS my hand and official seal.

This area for official notarial seal

Signature _____

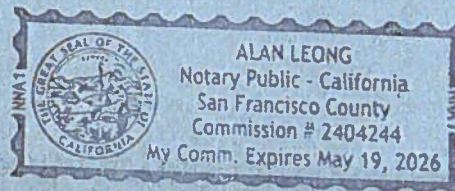
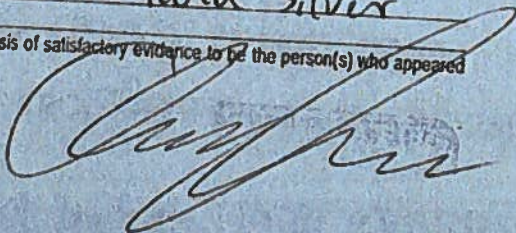
My Commission Expires: _____

Notary Name: Alan Leong Notary Phone: 415-222-9910
Notary Registration Number: _____ County of Principal Place of Business _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF San Francisco
Subscribed and sworn to (or affirmed) before me on this 25 day of Jan
2022 by Carol Ruth Silver

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Owner: Thomas Edwards
Property Address: 777 Avenue E, Ely, NV
Parcel ID: 001-082-06

I Thomas Edwards being duly sworn depose and say that I am an owner of the property in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed [Signature] Date 1-25-2023
Mailing Address 777 Ave E CLY NV 89308
Phone Number 775 296 0559

Email Address TEWARDS574@GMAIL.COM

State of Nevada ,
County of White Pine)ss

SUBSCRIBED AND SWORN TO (or affirmed) before me the undersigned, a Notary Public in and for said County White Pine and State Nevada, this 25th day of January, 2023 by Monas Edwards personally know to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me..

WITNESS my hand and official seal.

Signature

Christina Rose Sandoval

My Commission Expires:

September 15, 2025

This area for official notarial seal



CHRISTINA ROSE SANDOVAL
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 07-4783-17
My Appt. Expires September 15, 2025

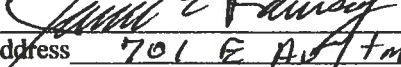
Notary Name: Christina Rose Sandoval

Notary Phone: 715-296-2409

Notary Registration Number: 07-4783-17 County of Principal Place of Business White Pine

Owner: A Team Development, LLC
Parcel ID(s): 001-082-12 and 001-082-13

I JAMES E. RAMSEY being duly sworn depose and say that I am an owner of the property in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed  Date 1/26/23
Mailing Address 701 E. A. T. MANN ST. ELY NR. 89301
Phone Number 775 296-1820

Email Address JAMESRAMSEY2008@HOTMAIL.COM

State of Nevada)
County of White Pine)ss

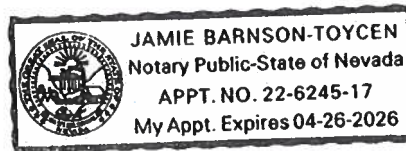
SUBSCRIBED AND SWORN TO (or affirmed) before me the undersigned, a Notary Public in and for said County White Pine and State Nevada, this 26 day of January, 20 23 by James Bansey as the Managing Member of A Team Development, LLC, a Nevada Limited Liability Company, personally know to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

This area for official notarial seal

Signature Jamie Barnson-Toycon
My Commission Expires: 4-26-2026

Notary Name: Jamie Barnson-Toycon Notary Phone: 775-284-8868
Notary Registration Number: 22-6245-17 County of Principal Place of Business NB & T



for Parcel ID page 001-082-12 & 001-082-13



**PINE WEST DEVELOPMENT
CITY OF ELY, UTAH
JOB NO. 7936-03
1-12-2022**

ALLEYWAY VACATION LEGAL DESCRIPTION

VACATING A PORTION OF ALLEYWAY BEING A PART OF BLOCK 29, ELY CITY TOWNSITE, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 63 EAST, MOUNT DIABLO MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

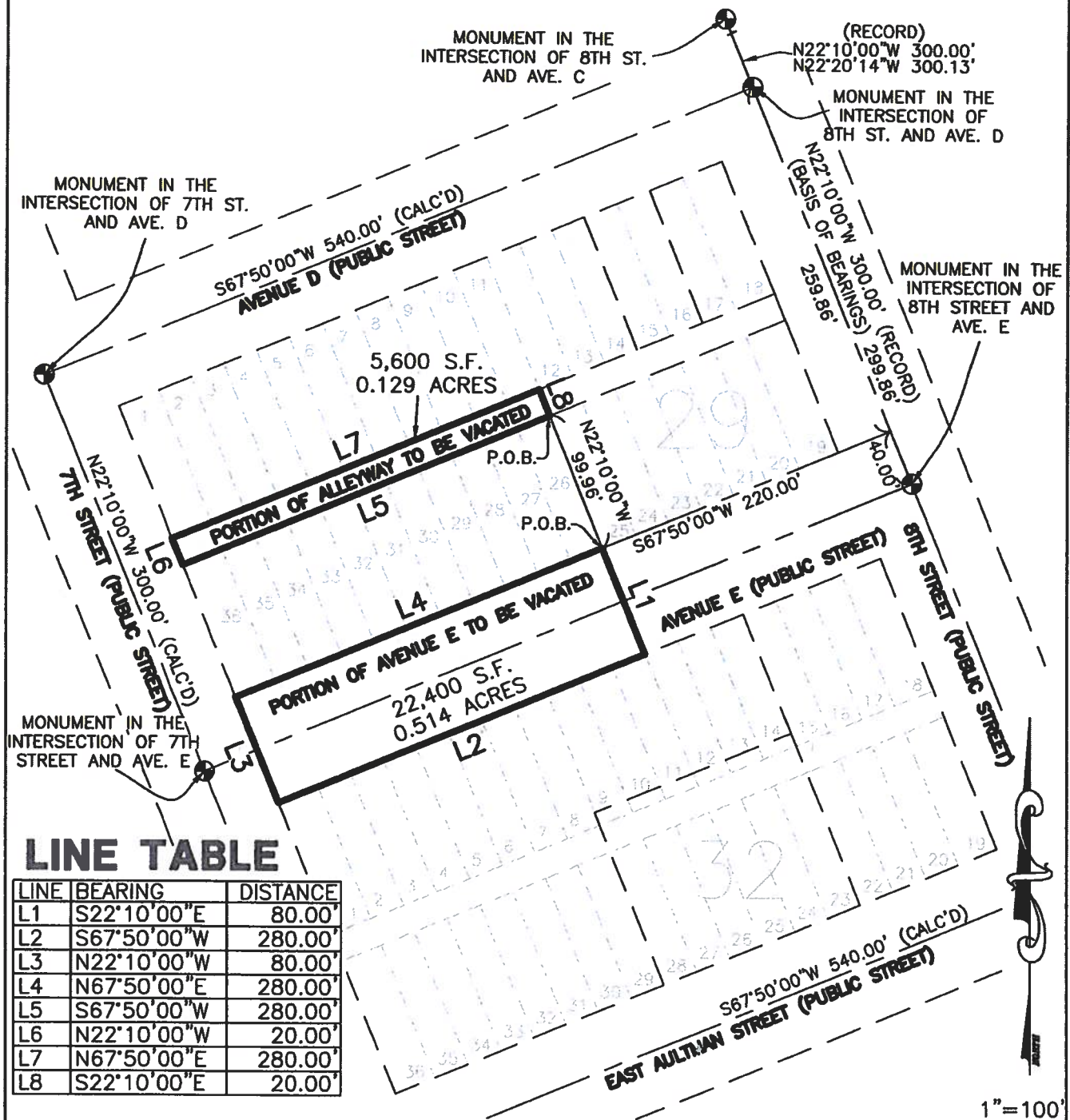
BEGINNING AT THE NORTHEAST CORNER OF LOT 26, BLOCK 29, ELY CITY TOWNSITE, WHICH IS 40.00 FEET NORTH 22°10'00" WEST ALONG STREET CENTERLINE AND 220.00 FEET SOUTH 67°50'00" WEST TO AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF AVENUE E TO THE SOUTHEAST CORNER OF LOT 26, BLOCK 29, ELY CITY TOWNSITE, AND ALONG THE EASTERLY LINE OF SAID LOT 26 TO THE NORTHEAST CORNER OF SAID LOT 26 FROM A FOUND CENTERLINE MONUMENT IN THE INTERSECTION OF 8TH STREET AND AVENUE E (SAID MONUMENT IS 299.86 FEET SOUTH 22°10'00" EAST FROM THE A FOUND CENTERLINE MONUMENT IN THE INTERSECTION OF 8TH STREET AND AVENUE D); THENCE SOUTH 67°50'00" WEST 280.00 FEET TO THE NORTHWEST CORNER OF LOT 36, BLOCK 29, ELY CITY TOWNSITE; THENCE NORTH 22°10'00" WEST 20.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 29, ELY CITY TOWNSITE; THENCE NORTH 67°50'00" EAST 280.00 FEET TO THE SOUTHEAST CORNER OF LOT 11, BLOCK 29, ELY CITY TOWNSITE; THENCE SOUTH 22°10'00" EAST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,600 SQUARE FEET OR 0.129 ACRES.

Solutions You Can Build On™

Civil Engineering • Land Planning • Structural Engineering • Landscape Architecture • Land Surveying • Construction Surveying
5160 S 1500 W • Riverdale, Utah 84405 • Tel: 801-621-3100 • Fax: 801-621-2666

AVENUE E + ALLEYWAY VACATION EXHIBIT



**Reeve
& Associates, Inc.**

5160 S 1500 W, RIVERDALE, UTAH 84405
TEL: (801) 621-3100 FAX: (801) 621-2666 www.reeve-assoc.com
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

Project Info.

Designer: A. MULLINS
Date: 1-12-2022
Name: PINE WEST HOLDINGS
Number: 7936-03
Scale: 1"=100'

NRS 278.480 Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of certain easements; sale of vacated portion.

1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.319.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section:

(a) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(b) "Public utility" has the meaning ascribed to it in NRS 360.815.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2380; 1997, 2436; 2001, 1451, 2315, 2822; 2007, 992)



501 Mill Street
Ely, NV 89301
Phone (775) 293-6547
Fax (775) 289-1583

CITY OF ELY

BUILDING & PLANNING

DEPARTMENT

NOTICE OF PUBLIC HEARING

The Regional Planning Commission will hold a Public Hearing at their regular meeting scheduled to be held on February 15, 2023 at 5:30 p.m. or soon thereafter, at the White Pine County Library Conference room located at 950 Campton Street, Ely, NV. The purpose of the Hearing is to consider a proposed Petition for Vacation or Abandonment of Road or Easement. The Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280'L x 20' W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows:

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You may voice your opinion concerning this action by appearing at the meeting or by sending written comments to City of Ely Building Department at 501 Mill Street, Ely, Nevada 89301 no later than the close of business on February 14, 2023. Any correspondence received after 5:00 p.m. on February 14, 2023 will not be considered. Comments received will be read into the record during the Public Hearing, or included with the agenda material.

Jennifer Drew-Lesher
Administrative Assistant

Publish Ely Times January 27, 2023



501 Mill Street
Ely, NV 89301
Phone (775) 289-6500
Fax (775) 289-1463

CITY OF ELY

BUILDING & PLANNING

DEPARTMENT

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701 East Aultman	002-053-07, 002-053-08 & 002-053-09,	James Ramsey & Mimi Yi
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Jennifer Drew-Lesher
Administrative Assistant

Publish Ely Times February 3, 2023



501 Mill Street
Ely, NV 89301
Phone (775) 293-6547
Fax (775) 289-1583

CITY OF ELY

BUILDING & PLANNING

DEPARTMENT


January 27, 2023

NOTICE OF PUBLIC HEARING

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Jennifer Drew-Lesher
Administrative Assistant

501 Mill Street
Ely, NV 89301
Phone (775) 289-6500
Fax (775) 289-1463



CITY OF ELY

BUILDING & PLANNING DEPARTMENT

February 3, 2023

NOTICE OF PUBLIC HEARING

The Ely City Council will hold a Public Hearing at their regular meeting scheduled to be held on February 23, 2023 at 5:30 p.m. or soon thereafter, at the Ely Volunteer Fire Hall located at 499 Mill Street, Ely, NV. The purpose of the Hearing is to consider a proposed Petition for Vacation or Abandonment of Road or Easement. The Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280' L x 20' W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows:

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Jennifer Drew-Lesher
Administrative Assistant

RAMSEY, JAMES & MIMI YI
701 E AULTMAN STREET
ELY, NV 89301

EDWARDS, THOMAS
777 AVENUE E
ELY, NV 89301

SILVER 2005 RVOCABLE FAMILY TRUST
68 RAMONA AVENUE
SAN FRANCISCO, CA 94103

NEVADA BANK & TRUST COMPANY
777 E AULTMAN STREET
ELY, NV 89301

MORENO, REVOCABLE LIVING TRUST
795 E. 8TH STREET
ELY, NV 89301

SING, HARWINDER
1301 E AULTMAN STREET
ELY, NV 89301

